

Docket AUS920000510US1

Appl. No.: 09/736,349

Filing Date: December 14, 2000

REMARKS**1. Posture of the present application**

The first Office action in the present case rejected all claims and relied on three references, U.S. Patent No. 6,301,614 ("Najork"), U.S. Patent No. 6,026,413 ("Challenger"), and U.S. Patent No. 6,748,418 ("Yoshida").

In a Reply A, filed October 18, 2004, claims were responsively amended to overcome the rejections.

The Examiner responded with a second Office action, dated February 24, 2005, finally rejecting all remaining claims and citing additional references, "Crawler-Friendly Web Servers" September 2000, ("Brandman") and U.S. Patent No. 6,735,169 ("Albert").

In a first Request for Reconsideration, filed March 21, 2005, Applicant requested that the finality of the second Office action be withdrawn because Applicant was not granted an interview before the final rejection and because the statements of rejections of claims 7, 15 and 23 in the second Office action were identical repetition of the rejections of the first Office action, even though these claims were substantially amended in Reply A.

On March 22, Examiner and Attorney for Applicant discussed the application in a telephone conference.

A third Office action, mailed on June 23, 2005, withdrew the Brandman reference relied upon in the second Office action and finally rejected all claims in reliance upon Najork, Challenger, Albert and a new reference, U.S. Patent No. 6,665,658 ("DaCosta").

More specifically, independent claims 1, 9 and 17 stand rejected under 35 U.S.C. 103(a) in view of the combination of Najork and DaCosta. (The Office action lists dependent claims 10 at the beginning of this same rejection, but this is apparently an error, since the Office action does not discuss them further in this section.)

Dependent claims 2, 10 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Najork, DaCosta and Albert.

Dependent claims 3, 11 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Najork, DaCosta, Albert and Yoshida.

Dependent claims 4-6, 12-14 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Najork, DaCosta and Challenger.

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Independent claims 7, 15 and 23 stand rejected under 35 U.S.C. 103(a) in view of the combination of Najork, DaCosta and Challenger.

2. Disqualification of reference

The present patent application and DaCosta were both, at the time the invention of the present patent application was made, owned by International Business Machines Corporation. Furthermore, DaCosta only qualifies as prior art under 35 U.S.C. 102(e), (f) or (g); the present application was filed after November 29, 1999; and DaCosta is applied solely in an obviousness rejection under 35 U.S.C. 103(a). For these reasons DaCosta is disqualified as a reference under 35 U.S.C. 103(c).

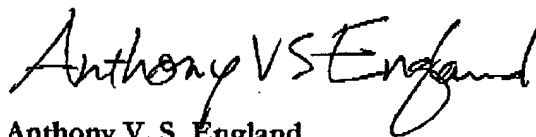
Applicant chooses not to comment on other possible reasons for allowability of these claims, since DaCosta is disqualified as a reference. The amended claims may also be patentably distinct for other reasons as well. Applicant's lack of further comment should not be construed as a lack of other reasons for patentable distinction of the amended claims over the combination of DaCosta and the other art cited. That is, Applicant's lack of further comments should not be construed as an admission of any kind regarding other reasons for patentable distinction of the amended claims over the combination of DaCosta and the other art cited.

All pending claims in the present application stand rejected partly in reliance upon DaCosta. Applicant contends that with this reference removed all claims are patentably distinct and in condition for allowance.

REQUESTED ACTION

For the above reasons, Applicant requests allowance of all the claims in the present case, i.e., claims 1-7, 9-15 and 17-23, and that the application be promptly passed to issuance.

Respectfully submitted,



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